

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HJR 32

February 7, 2011

SUMMARY OF BILL: Proposes amending Article XI of the Tennessee Constitution to declare that under Tennessee public policy every person has the right to choose or decline any mode of securing health care services without penalty or threat of penalty from the federal government. Prohibits any Tennessee public official, employee, or agent from imposing a penalty that violates this public policy and directs the Attorney General to take appropriate legal action to defend it. Resolves that the foregoing amendment be published in accordance with Article XI, Section 3, of the Tennessee Constitution by posting this amendment on the Secretary of State's Web site.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly of electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official Web site of the Secretary of State will not result in a significant increase in state expenditures.

HJR 32

- Because Article XI, Section 3 of the Tennessee Constitution requires publication of the resolution before the next legislative election, this publication would occur in the spring of 2012.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rct